



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,302	02/18/2004	Yong Ho Choi	U 015033-4	4829

.7590 12/08/2006  
Ladas & Parry  
26 West 61st Street  
New York, NY 10023

EXAMINER

BERTHEAUD, PETER JOHN

ART UNIT PAPER NUMBER

3746

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,302

Applicant(s)

CHOI, YONG HO

Examiner

Peter J. Bertheaud

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/18/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: In line 7, the phrase "during a painting work" is not properly worded; "during painting" would be more appropriate. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harper 6,361,293 in view of Kin 5,316,423.

Harper discloses a hermetic compressor comprising: a hermetic casing 12; at least one bracket 18, 20 mounted to a predetermined portion of an outer surface of the hermetic casing; and a ground hole (see feet 22, 24, 25 protruding through holes in brackets) provided on a predetermined portion of the bracket, with a cap being made of an elastic material (see col. 3, lines 15-17) and being fitted into the ground hole (see Figs. 1-3 and 10). Harper also disclose that the cap is made of rubber (see col. 3, lines 15-17). The remaining claimed subject matter, not shown by Harper, can be found below.

Kin teaches an acoustic isolation fastener an method for attachment including a fan 10 with integral to mounting brackets 15, and fasteners or "caps" 16 that pass

Art Unit: 3746

through the mounting/"ground holes". Kin further teaches a head 50 having a larger diameter than the ground hole; and a body extending from the head to have a similar diameter to the ground hole 32. Kin also teaches a shoulder provided on a predetermined portion 61 of the body of the cap to be spaced apart from the head of the cap by a thickness of the ground hole, and having a larger diameter than the ground hole, so that the head is in close contact with an outer surface of the bracket on which the ground hole is provided (see Figs. 2 and 3), and the shoulder is in close contact with an inner surface of the bracket on which the ground hole is provided (see Fig. 2). Kin also teaches that the shoulder has a side surface 62 which is inclined at a predetermined angle with the body of the cap to form an inclined surface, thus allowing an upper end of the shoulder to be smoothly removed from the ground hole and that the cap is made of rubber (see col. 6, lines 60-66). Kin further teaches that the use of other resilient non-metallic materials, particularly elastomeric materials, when manufacturing the cap is contemplated and within the scope of the invention (i.e. such as silicone) (see col. 6, lines 60-66). Kin teaches that these aspects of the invention would be advantageous because they provide a resilient one-piece acoustic isolation fastener, which reduces mechanically induced noise.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the hermetic compressor of Harper by implementing a cap with the above characteristics, as taught by Kin, in order to provide a resilient one-piece acoustic isolation fastener, which reduces mechanically induced noise (see col. 2, lines 51-60).

Art Unit: 3746

**Conclusion**

4. The prior art made of record, noted in the attached form 892, and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

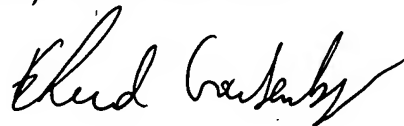
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



PJB

061206



**EHUD GARTENBERG**  
SUPERVISORY PATENT EXAMINER